



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 2969-99  
18 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 26 March 1952 at age 17. Prior to the offense for which you received a punitive discharge, you received four nonjudicial punishments and were convicted by two summary courts-martial and a special court-martial. The offenses included unauthorized absences totalling 22 days, two instances of disrespect, possession of an altered identification card, being an accessory after the fact, possession of a false identification card, sleeping on watch, disobedience of written orders, disorderly conduct, and failure to obey a lawful order.

A second special court-martial convened on 5 April 1954 and found you guilty of an unauthorized absence of 26 days. The court sentenced you to confinement at hard labor for three months, forfeiture of \$57.20, and a bad conduct discharge. You received the bad conduct discharge on 4 July 1954.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity

and the contention, in effect, that your special court-martial was improper and should be reviewed. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the fact that your unauthorized absences totalled more than a month. In this regard, the Board is prohibited by law from reviewing the findings of a court-martial and must restrict its review to determine if the sentence of the court-martial should be reduced as a matter of clemency. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director